

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

Criminal No. 3:22-cr-00087

ALEX KAI TICK CHIN

**DEFENDANT'S CLARIFICATION CONCERNING
THE PREVIOUSLY FILED MOTION TO SUPPRESS EVIDENCE**

Defendant, Alex Kai Tick Chin, by his counsel, files this clarification concerning the proffered factual basis for the defendant's challenge to the border patrol's March 21, 2022, seizure of his smartphone as set forth in the pending Motion to Suppress. Dkt. No. 44. On March 15, 2023, the Government provided counsel with a video clip depicting surveillance camera footage taken inside of the secondary inspection area of the Paso Del Norte port of entry in El Paso, Texas.¹ The recorded time period for this clip was 7:36 p.m. to 8:13 p.m. on March 21, 2022.

The defendant can be seen sitting in the same chair throughout this video clip. The defendant is not in handcuffs. The defendant does recall at some point while he was waiting in the secondary inspection area that he was handcuffed to the row of chairs where he was seated. The defendant believes that this would have taken place at some point after 8:13 p.m. and when he was taken to meet with the two Homeland Security agents around 11:40 p.m.

¹ The defendant has reviewed this video clip as well.

While the Government has indicated that the defendant's responses to the border patrol officers' questioning are not going to be admitted at trial, the defendant wanted to clarify the factual basis for his Motion to Suppress based upon the recent disclosure of the video evidence by the Government.

Respectfully submitted this 17th day of March, 2023.

ALEX KAI TICK CHIN

By Counsel

**WESLEY P. PAGE
FEDERAL PUBLIC DEFENDER**

s/**David R. Bungard**

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